

REMARKS

Claims 1-7 are pending in the application. By this paper, claims 1-3 and 5-7 have been amended and new claims 8- 12 have been added. No new matter is added by these amendments. Reconsideration of the application is respectfully requested.

Prior art rejections

Claims 1, 2 and 6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent number 6,112,437 to Lovitt. Claims 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lovitt in view of U.S. patent number 5,463,537 to Trattner, et al. ("Trattner"). Claim 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lovitt in view of Trattner, and further in view of U.S. Patent number 5,758,947 to Glatt ("Glatt"). Reconsideration and allowance of the pending claims are respectfully requested in view of the remarks and amendments herein.

Claim 1 has been amended to clarify that the means for sensing and the circuit means of the flashing device are contained within the detachable, wearable band. This feature is not disclosed in the cited references. For example, Lovitt FIG. 1 discloses a display panel that is attachable to (not wearable) a shoe, with an electronics module 20 actually contained within the heel portion 12 of the shoe. Lovitt further discloses a watchband (FIG. 4) which includes a display panel but makes not provision for a control or electronics module, much less a means for sensing movement. Lovitt further discloses a pen (FIGS. 5a, 5b) is rigid and is not a band which is detachable or wearable, as required by claim 1. Further, Lovitt discloses a backpack strap with a display panel which again lacks an electronics module and means for sensing movement.

As noted, none of these embodiments of Lovitt includes all the limitations of claim 1. Trattner does not provide the missing disclosure. Trattner does not disclose or suggest a flashing device comprising a wearable band which contains the circuit means and the means for sensing of claim 1. Moreover, there is no suggestion that the elaborate switch mechanism of Trattner could be in any way adapted to fit in a wearable band along with other necessary electronics.

Still further, Glatt merely discloses a helmet with light emitting diodes. While this is wearable and the electronics are contained within the module, there is no suggestion to combine the disclosure with a wearable band, and no suggestion that the circuit board and battery may be modified to fit in a wearable band.

It is further respectfully submitted that the cited references and their proposed combination do not successfully address a significant problem solved by the present invention, that increasing visibility of the wearer. A flashing device in a shoe, such as Lovitt discloses, is dismissed for this purpose by the present application which notes at page 1, lines 11-18: "Such as system has limited utility since lights are in the shoe, as the lights may not be seen from a distance due to their proximity to the ground. If it was raining, the lights may become submerged in water or covered in mud, thereby rendering the system ineffective for all intents and purposes." Page 1, lines 15-18. Accordingly, the claimed invention solves a problem not even addressed by the prior art of record.

It is submitted that claim 1 is allowable over the cited references. Claims 2-7 are dependent from claim 1 and add further limitations thereto. Claims 2-3 and 5-7 have been amended slightly upon review of the claims in order to improve the readability and consistency of the claims, and not for any reason related to patentability. Withdrawal of the rejections of claims 1-7 is respectfully requested.

New Claims

Claims 8-12 are added to claim additional unclaimed subject matter. No new matter is added by these amendments. Consideration and allowance of these claims is respectfully requested.

Objection to the Specification

The title stands objected to as not being descriptive. By this paper, the title has been changed to WEARABLE BAND WITH MOTION DETECTION AND FLASHING LIGHTS, which is submitted to be appropriately descriptive of the invention. Withdrawal of the objection to the specification is respectfully requested.

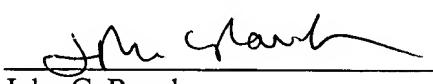
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Reply to office action dated: November 22, 2004

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,


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